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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/019,633	12/27/2001	Timothy Caspar	BB-1386USPCT	1132	
23906	7590 10/01/2003		*		
	T DE NEMOURS AN	EXAMINER			
LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE			BUI, PHUONG T		
WILMINGT(ART UNIT	PAPER NUMBER	
			1638		
			DATE MAILED: 10/01/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

		,				
		Application	on No.	Applicant(s)		
	Office Action Summers	10/019,63	33	CASPAR ET AL.		
Office Action Summary		Examiner		Art Unit		
	The MAN INC DATE OF the comment of t	Phuong T.		1638		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status 1) Responsive to communication(s) filed on						
2a)□						
3)	, —			secution as to the merits is		
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
	4) Claim(s) 1-24 is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	5) Claim(s) is/are allowed.					
-	6) Claim(s) is/are rejected.					
·	Claim(s) is/are objected to.					
8) Claim(s) <u>1-24</u> are subject to restriction and/or election requirement. Application Papers						
	The specification is objected to by the Examiner	-				
			objected to by the Evam	inor		
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1.☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14)⊠ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
2) 🔲 Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449) Paper No(s)			PTO-413) Paper No(s) tent Application (PTO-152)		

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9, 11-13, 16 and 18-22, drawn to a polynucleotide and first method of using.

Group II, claim(s) 10 and 17, drawn to a polypeptide.

Group III, claim(s) 14, drawn to a second method of using the polynucleotide.

Group IV, claim(s) 15, drawn to a third method of using the polynucleotide.

Group V, claim(s) 23, drawn to a fourth method of using the polynucleotide.

Group VI, claim(s) 24, drawn to a fifth method of using the polynucleotide.

In addition to an election of one of inventions I-VI listed above, in accordance with 37 CFR 1.499, applicant is required to elect one of the following inventions A-J to which the claims must be restricted.

Group A, drawn to a polynucleotide of SEQ ID NO: 1 or corresponding polypeptide of SEQ ID NO: 2.

Group B, drawn to a polynucleotide of SEQ ID NO: 3 or corresponding polypeptide of SEQ ID NO: 4.

Group C, drawn to a polynucleotide of SEQ ID NO: 5 or corresponding polypeptide of SEQ ID NO: 6.

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Group D, drawn to a polynucleotide of SEQ ID NO: 7 or corresponding polypeptide of SEQ ID NO: 8.

Group E, drawn to a polynucleotide of SEQ ID NO: 11 or corresponding polypeptide of SEQ ID NO: 12.

Group F, drawn to a polynucleotide of SEQ ID NO: 13 or corresponding polypeptide of SEQ ID NO: 14.

Group G, drawn to a polynucleotide of SEQ ID NO: 15 or corresponding polypeptide of SEQ ID NO: 16.

Group H, drawn to a polynucleotide of SEQ ID NO: 17 or corresponding polypeptide of SEQ ID NO: 18.

Group I, drawn to a polynucleotide of SEQ ID NO: 19 or corresponding polypeptide of SEQ ID NO: 20.

Group J, drawn to a polynucleotide of SEQ ID NO: 21 or corresponding polypeptide of SEQ ID NO: 22.

2. The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I is a polynucleotide and first method of using the polynucleotide, which is structurally and functionally divergent from the polypeptide of Group II. The different methods of using the polynucleotide utilize different reagents or targets, and have different outcomes. Moreover, where multiple methods of use of a product are claimed, Applicant is entitled unity of invention between the product and the first claimed process. See 37 CFR 1.475(d).

The inventions listed as Groups A-J do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: each of the

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polynucleotides is structurally divergent and each of the polynucleotides encodes a divergent polypeptide. Accordingly, the recited polynucleotides lack a common special technical feature.

- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). In this case, Applicant is required to elect one of groups I-VI and one of groups A-J in response to this requirement.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong T. Bui whose telephone number is 703-305-1996. The examiner can normally be reached on 6:30 AM - 4:00 PM; Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 703-306-3218. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

0196.

Phuong T. Bui Primary Examiner Art Unit 1638

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ptb September 19, 2003